

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF  
PAUL D. BENSON  
TO PRACTICE AS A PHYSICIAN/SURGEON AND TO  
ADMINISTER AND PRESCRIBE CONTROLLED  
SUBSTANCES IN THE STATE OF UTAH


:  
:  
: ORDER REINSTATING LICENSE  
:  
:  
: Case No. DOPL-2006-263  
:

BY THE DIVISION

Respondent has satisfied the terms and conditions as set forth in the Division's Stipulation and Order, dated December 13, 2006, in the above-referenced case.

IT IS HEREBY ORDERED the probation on the licenses of PAUL D. BENSON to practice as a physician/surgeon and to administer and prescribe controlled substances is terminated and said licenses be reinstated with full privileges effective the date of this Order

Dated this 18 day of December, 2008.

  
F David Stanley  
Director

SEAL

**L MITCHELL JONES (U S B 5979)**  
Assistant Attorney General  
**MARK L SHURTLEFF (U S B 4666)**  
Attorney General  
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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF	)	
<b>PAUL D. BENSON</b>	)	STIPULATION AND ORDER
TO PRACTICE AS A PHYSICIAN	)	
AND TO ADMINISTER AND PRESCRIBE	)	CASE NO DOPL 2006-- 263
CONTROLLED SUBSTANCES	)	
IN THE STATE OF UTAH	)	

**PAUL D. BENSON** ("Respondent") and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Physician Licensing Board ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 Respondent admits the following facts

a Between about August 16, 2006 and August 20, 2006, Respondent sent text messages to a current female patient inviting her to engage in a sexual relationship with him The patient's cell phone number had been obtained from the patient's records

b Respondent told a Division investigator that he has a sex addiction problem that he has dealt with for about ~~14~~ <sup>9</sup> years

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a), (b), and (k), and Principles II and VIII of the Principles of Medical Ethics of the American Medical Association, and that said conduct

justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-

401(2)(a) Respondent agrees that an Order shall be entered in this matter as follows

- (1) Respondent's licenses shall be revoked That revocation shall be immediately stayed and the Respondent's licenses shall be subject to a term of probation for a period of four (4) years The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division director signs the Order During the period of probation, the Respondent shall be subject to all of the following terms and conditions If the Board and Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
  - (a) Respondent shall meet with the Board within thirty (30) days of signing of the accompanying Order and on a quarterly basis, or at other greater or lesser frequency as determined by the Board and Division, for the duration of the probationary period thereafter
  - (b) Respondent shall provide a copy of this Stipulation and Order to any employer or practice associate Further, Respondent shall cause each of his employers and/or practice associates to acknowledge to the Division having received a copy of this agreement
  - (c) Respondent shall practice on female patients only under the direct observation of a chaperone(s) approved by the Board and Division The chaperone(s) shall provide quarterly reports to the Board and Division, noting any breaches of boundaries involving patients or staff
  - (d) Respondent shall not supervise other physicians or medical students
  - (e) Within the first year of probation, Respondent shall successfully complete a continuing professional education course, pre-approved by the Division and Board, in the areas of professional ethics, values, and law
  - (f) Within the first two years of probation, Respondent shall successfully complete the Professional Boundary Program of the Physician Assessment and Education Program at the University of San Diego, or, at the Board and Division's discretion, an equivalent program at another institution
  - (g) Within 90 days of the issuance of the Order in this matter, Respondent shall begin a psychosexual evaluation by Dr Michael D Brunson Respondent shall successfully complete the evaluation in a reasonable period

- (h) Respondent shall successfully complete any therapy recommended by Dr Brunson. The continuing therapy shall be conducted by a clinical psychologist pre-approved by the Board and Division. The therapy shall address issues identified in the psychosexual evaluation.
- (i) Respondent shall sign a release allowing Dr Brunson to provide copies of the psychosexual evaluation report to the Division and Board, and to allow Dr Brunson to discuss his evaluation completely and thoroughly with the clinical psychologist. Respondent shall also execute a release to allow the clinical psychologist to discuss freely Respondent's progress in treatment with the Board and Division. Respondent shall also cause the clinical psychologist to issue quarterly reports to the Board and Division describing Respondent's progress in therapy.
- (j) Respondent shall successfully complete all therapy programs recommended by the clinical psychologist on a schedule set by the clinical psychologist.
- (k) Respondent shall notify the Division/Board within one (1) week, and in writing, of any change of employer or employment status. This is required regardless of whether Respondent is employed in social work.
- (l) In the event that Respondent leaves the State for a period longer than 60 days, Respondent shall notify the Division and the Board in writing of the dates of departure and return. The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Stipulation and Order. Periods of residency or practice outside Utah may apply to the reduction of the probation period if the new state of residency places Respondent's license on probation with equal or greater terms and conditions.
- (m) Periods of unemployment or employment in other fields of practice shall be reported by Respondent to the Division and shall not count toward completion of probation. Should Respondent not be employed in practice as a dentist during his probationary period for a consecutive period of more than sixty (60) days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable. If the respondent works less than full-time as a dentist, the reduction of any remaining probationary time shall occur on a pro-rata basis, in relation to a full-time position of 40 hours worked per week.
- (n) Should other acts of unprofessional conduct come to the attention of the

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Division which have occurred prior to the entry of the Order in this case or should Respondent violate probation in any respect, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, revoke probation or impose sanctions in accordance with applicable law

- (o) If a petition is filed against Respondent during his probation, the period of probation shall be extended until the matter is final
- (p) Respondent shall immediately notify the Division, in writing, of any changes of address and agrees that written communication by the Division and/or the Board shall be mailed to Respondent at the last address provided to the Division, first class U S Mail, and shall constitute notice to Respondent
- (q) Failure to pay for any of the costs associated with this probation shall be considered a violation of this order Respondent further agrees to complete all conditions of probation in a timely manner
- (r) Where a specific time for completion is not stated in this Stipulation and Order, it shall be within the Division and Board's discretion to set a time for completion
- (s) Respondent agrees to keep his licensure as a physician current during his period of probation
- (t) Respondent shall notify the Division immediately if Respondent is charged or arrested with any criminal conduct and understands that a conviction is a violation of this agreement

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's practice of medicine and the administering and prescribing of controlled substances

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation

12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction

14 Respondent has read each and every paragraph contained in this Stipulation and

Order Respondent understands each and every paragraph contained in this Stipulation and

Order Respondent has no questions about any paragraph or provision contained in this

Stipulation and Order

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY   
**DIANA BAKER**  
Bureau Manager


DATE 12/12/06

RESPONDENT

BY   
**PAUL D. BENSON**

DATE 12-7-06

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY   
**L. MITCHELL JONES**  
Counsel for the Division

DATE 12/12/06

**ORDER**

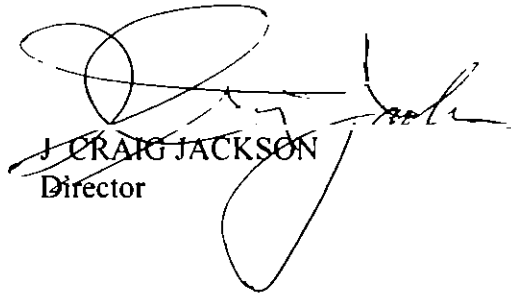
THE ABOVE STIPULATION, in the matter of **PAUL D. BENSON**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 13<sup>th</sup> day of

*December*

, 2006

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
J. CRAIG JACKSON  
Director

Director Jay Thornton